

E-filing

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Attorney for Plaintiff

**FILED**  
 APR 18 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

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 (2)

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON GLOVER,

Plaintiff,

vs.

Case No.

**C08-02043**

**COMPLAINT FOR DAMAGES**

**JURY TRIAL DEMANDED**

ADR  
 PVT

PRINCE GEORGE COUNTY, a municipal  
 corporation; MELVIN HIGH, in his official  
 capacity as Chief of Police for PRINCE  
 GEORGE'S COUNTY POLICE  
 DEPARTMENT; MICHAEL JACKSON, in his  
 official capacity as Sheriff for PRINCE  
 GEORGE'S COUNTY; UNITED STATES OF  
 AMERICA, a municipal corporation; JOHN  
 CLARK, in his official capacity as Director of  
 the UNITED STATES MARSHAL'S  
 SERVICE; and DOES 1-25;  
 Defendants.

JURISDICTION

1. This action arises under California law. Jurisdiction of this action is conferred upon this Court by Title 42 of the United States Code, Sections 1332 and 1346. The unlawful acts and practices alleged herein occurred in Prince George's County, Maryland, and caused injury to Plaintiff in Santa Clara County, California, which is within this judicial district.

GO 44 SEC. N  
 NOTICE OF ASSIGNMENT  
 TO MAGISTRATE JUDGE SENT

PARTIES

2. Plaintiff herein, JASON GLOVER, is and was at all times herein mentioned a citizen of the United States residing in Santa Clara County in California.

3. Defendant PRINCE GEORGE'S COUNTY ("COUNTY") is a municipal corporation, duly organized and existing under the laws of the State of Maryland. The County operates under its authority the PRINCE GEORGE'S COUNTY POLICE DEPARTMENT and the OFFICE OF THE SHERIFF FOR PRINCE GEORGE'S COUNTY.

4. At all times mentioned herein, Defendant MELVIN HIGH ("HIGH") was employed as the Chief of Police for PRINCE GEORGE'S COUNTY POLICE DEPARTMENT. He is being sued in his official capacity as Chief of Police for Prince George's County Police Department.

5. At all times mentioned herein, Defendant MICHAEL JACKSON ("JACKSON") was employed as Sheriff for the Office of the Sheriff for PRINCE GEORGE'S COUNTY. He is being sued in his official capacity as Sheriff for PRINCE GEORGE'S COUNTY.

6. Defendant UNITED STATES OF AMERICA ("USA") is a municipal corporation, duly organized and existing under the laws of the United States of America. The USA operates under its authority the United States Marshal's Service.

7. At all times mentioned herein, Defendant JOHN CLARK ("CLARK") was employed as Director of the United States Marshal's Service. He is being sued in his official capacity as Director of the United States Marshal's Service.

8. Plaintiff is ignorant of the true names and capacities of Defendants DOES 1 through 25, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each Defendant so named is responsible in some manner for the injuries and damages sustained by Plaintiff as set forth herein. Plaintiff will amend his complaint to state the names and capacities of DOES 1-25, inclusive, when they have been ascertained.

9. In engaging in the conduct described herein, Defendant Deputy Sheriffs, Police Officers and/or United States Marshals acted under the color of law and in the course and scope of their employment with the COUNTY and the UNITED STATES OF AMERICA, respectively.

1 Defendant COUNTY and/or UNITED STATES OF AMERICA are therefore liable for the wrongful  
2 acts of their respective employees alleged herein under principles of respondeat superior.

3 9. For State causes of action, Plaintiff is required to comply with an administrative claim  
4 requirement under Maryland law. Plaintiff has complied with all applicable requirements.

5 STATEMENT OF FACTS

6 10. On April 3, 2007, Plaintiff JASON GLOVER was negligently arrested by unknown  
7 United States Marshals DOES 1-10 on a warrant alleging that Plaintiff was a fugitive from justice,  
8 pursuant to an arrest warrant issued by Defendant PRINCE GEORGE'S COUNTY charging Plaintiff  
9 with 39 counts of sexual assault. Plaintiff GLOVER, who in fact was not the subject of any  
10 outstanding arrest warrant, was booked into Santa Clara County jail at the direction of the unknown  
11 DOE Defendant UNITED STATES MARSHAL'S SERVICE employees.

12 11. Defendant PRINCE GEORGE'S COUNTY negligently confirmed that Plaintiff  
13 GLOVER was the subject of an outstanding arrest warrant issued by Defendant COUNTY and  
14 initiated extradition proceedings against Plaintiff, who was not allowed bail due to a fugitive hold.

15 12. After a high level of local publicity specifically erroneously named Plaintiff as being  
16 the fugitive from numerous sexual-assault related charges, Plaintiff GLOVER was released from  
17 custody after several days in jail, after a photographic identification by the victim of the alleged  
18 charges showed that Plaintiff GLOVER was not the man sought by the warrant issued by Defendant  
19 COUNTY.

20 13. Plaintiff alleges that Defendant COUNTY, by and through Sheriff JACKSON, Chief  
21 HIGH, employee DOES at the Police Department, and/or at the Sheriff's Department, negligently  
22 issued an arrest warrant on serious felony charges without providing reasonable identification of the  
23 actual alleged perpetrator of the crimes for which the warrant was issued.

24 14. Plaintiff further alleges that Defendant USA, by and through Director CLARK and/or  
25 employee DOES of Defendant USA, was negligent in arresting Plaintiff without taking reasonable  
26 measures to ensure that Plaintiff was in fact the person sought by the arrest warrant issued by  
27 Defendant COUNTY.  
28

16. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 15 of this complaint, except for any and all allegations of intentional, malicious, extreme, outrageous, wanton, and oppressive conduct by defendants, and any and all allegations requesting punitive damages.

17. At all times herein mentioned, each individually-named defendant herein was subject to a duty of care to avoid causing unnecessary physical harm and distress to persons through the negligent issuing of arrest warrants and the negligent making of arrests pursuant to arrest warrants. The wrongful conduct of each individually-named Defendant, as set forth herein, did not comply with the standard of care to be exercised by reasonable persons, proximately causing plaintiff to suffer injuries and damages as set forth herein. Pursuant to Government Code Section 815.2(a), Defendants COUNTY and USA are vicariously liable to Plaintiff for his injuries and damages suffered as alleged herein, incurred as a proximate result of the aforementioned wrongful conduct of Defendants.

18. As a proximate result of Defendants' negligent conduct, Plaintiff suffered significant wrongful physical incarceration, severe emotional and mental distress, injury having a traumatic effect on Plaintiff's emotional tranquility, and damages.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

JURY DEMAND

19. Plaintiff hereby demands a jury trial in this action.

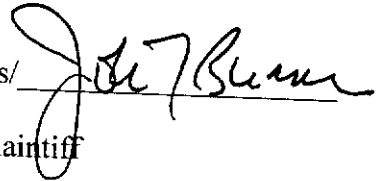
PAYER

WHEREFORE, Plaintiff prays for relief, as follows:

1. For general damages in a sum exceeding \$75,000.00;
2. For special damages in a sum according to proof;
3. For cost of suit herein incurred; and
4. For such other and further relief as the Court deems just and proper.

Dated: April 17, 2008

The Law Offices of John L. Burris

  
\_\_\_\_\_/s/\_\_\_\_\_  
John L. Burris  
Attorney for Plaintiff

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

## I. (a) PLAINTIFFS

JASON GLOVER

## DEFENDANTS

PRINCE GEORGE COUNTY, a municipal corporation; et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Santa Clara  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
John L. Burris, Esq. State Bar #69888  
LAW OFFICES OF JOHN L. BURRIS  
7677 Oakport Street, Suite 1120  
Oakland, CA 94612  
(510) 839-5200

## II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (For diversity cases only)

	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3
Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. ORIGIN

- ☒ Original Proceeding  
☐ Removed from State Court  
☐ Remanded from Appellate Court  
☐ Reinstated or Reopened  
☐ Transferred from Another district (specify)  
☐ Multidistrict Litigation  
☐ Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 424 Withdrawing 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 425 Withdrawing 28 USC 157	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 426 Withdrawing 28 USC 157	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 427 Withdrawing 28 USC 157	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 428 Withdrawing 28 USC 157	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 429 Withdrawing 28 USC 157	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 430 Withdrawing 28 USC 157	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 365 Motor Vehicle Product Liability	<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 431 Withdrawing 28 USC 157	<input type="checkbox"/> 881 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	<input type="checkbox"/> 432 Withdrawing 28 USC 157	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 433 Withdrawing 28 USC 157	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 380 Other Personal Injury Product Liability	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 434 Withdrawing 28 USC 157	<input type="checkbox"/> 894 Energy Allocation Act
	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 435 Withdrawing 28 USC 157	<input type="checkbox"/> 895 Freedom of Information Act
			<input type="checkbox"/> 436 Withdrawing 28 USC 157	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
			<input type="checkbox"/> 437 Withdrawing 28 USC 157	<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 438 Withdrawing 28 USC 157	<input type="checkbox"/> 890 Other Statutory Actions
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## VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 42 USC §§1332 and 1346

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 75,000

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE" JURY DEMAND: ☒ YES ☐ NO

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)

DATE April 18, 2008 SIGNATURE OF ATTORNEY OF RECORD JOHN L. BURRIS